

2014R00355/JNM

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Criminal No. 15-617(MCA)
:
V. :
:
PHILLIP BIONDELLO : 42 U.S.C. § 1320a-7b(b) (2) (A)

I N F O R M A T I O N

The defendant having waived in open court prosecution by indictment, the United States Attorney for the District of New Jersey charges:

1. At all times relevant to this Information:

a. Defendant PHILLIP BIONDELLO was an owner/principal of a blood diagnostic company located in Essex County, New Jersey ("Company 1").

b. Company 1 provided blood diagnostic testing services to patients.

2. From at least as early as June 2011 through June 2013, defendant PHILLIP BIONDELLO paid monthly cash payments to a physician ("Dr. 1") in exchange for Dr. 1 referring his patients' blood samples to Company 1 for testing (the "Kickback Scheme").

3. The Medicare Program ("Medicare") is a federal program that provides free or below-cost health care benefits to

certain individuals, primarily the elderly, blind, and disabled. Medicare is a "Federal health care program" as defined in Title 42, United States Code, Section 1320a-7b(f). Individuals who receive benefits under Medicare are commonly referred to as "beneficiaries."

4. The Medicare Part B program is a federally funded supplemental insurance program that provides supplementary Medicare insurance benefits for individuals aged sixty-five or older, and certain individuals who are disabled. The Medicare Part B program pays for various medical services for beneficiaries, including blood diagnostic testing.

5. At all times relevant to this Information, Company 1 was an approved Medicare provider of, among other things, blood diagnostic testing.

6. From at least as early as June 2011 through June 2013, pursuant to the Kickback Scheme, defendant PHILLIP BIONDELLO paid Dr. 1 monthly payments of cash in exchange for Dr. 1 referring his patients' blood samples to Infinity.

7. On or about May 7, 2013, pursuant to the Kickback Scheme, defendant PHILLIP BIONDELLO paid Dr. 1 \$24,000 for having referred his patients to Company 1. Among those patients, were patients insured by Medicare.

8. From at least as early as June 2011 through June 2013, in the District of New Jersey, and elsewhere, defendant

PHILLIP BIONDELLO

did knowingly and willfully offer and pay remuneration, directly and indirectly, overtly and covertly, in cash, that is, kickbacks and bribes to Dr. 1, in order to induce referrals of patients to Company 1 for the furnishing and arranging for the furnishing of items and services, that is, blood sample testing, for which payment may be made in whole or in part under a Federal health care program, namely Medicare.

In violation of Title 42, United States Code, Section 1320a-7b(b) (2) (A) .

FORFEITURE ALLEGATION

1. As the result of committing the Federal health care offense as defined in 18 U.S.C. § 24 alleged in this Information, defendant PHILLIP BIONDELLO shall forfeit to the United States, pursuant to 18 U.S.C. § 982(a)(7), all property, real and personal, that constitutes or is derived, directly and indirectly, from gross proceeds traceable to the commission of the conspiracy to violate 42 U.S.C. § 1320a-7b(b)(2)(A), including but not limited to, a forfeiture money judgment in the amount of \$28,000, representing all property constituting or derived from gross proceeds traceable to the said conspiracy offense.


Substitute Assets Provision

2. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third person;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 982(b), to seek forfeiture of any other

property of said defendant up to the value of the above forfeitable property.


PAUL J. FISHMAN
UNITED STATES ATTORNEY

CASE NUMBER: _____

United States District Court
District of New Jersey

UNITED STATES OF AMERICA

v.

PHILLIP BIONDELLO

INFORMATION FOR
42 U.S.C. § 1320a-7b(b) (2) (A)

PAUL J. FISHMAN

UNITED STATES ATTORNEY

NEWARK, NEW JERSEY

JOSEPH N. MINISH

ASSISTANT U.S. ATTORNEY

NEWARK, NEW JERSEY

973-297-2012
